

M I N U T E S
UTAH DECEPTION DETECTION EXAMINER BOARD
NOVEMBER 20, 2002 - 9:00 A.M.
Room 4A - Fourth Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 9:06 A.M.

ADJOURNED: 10:28 A.M.

PRESENT:

Clyde Ormond, Bureau Manager

Marty Simon, Board Secretary

Board Members:

Scott Barnett

Leroy Allen

Steven Bartlett

Dana Walker

Michael Ferre

Frank Wall

David Mack

ABSENT:

None

GUESTS:

Craig Jackson, Division Director.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes

The minutes of the August 9, 2001 board meeting were approved as written.

New Board Members

Mr. Ormond administered the oath of office to Ms. Walker and Mr. Bartlett.

DISCUSSION ITEMS:

Annual Training for Continuing Education

A letter had been sent by the Division on October 24, 2002 to all Deception Detection Examiners who had renewed their licenses on July 31, 2002. The letter requested them to complete the enclosed audit forms regarding the required 60 hours of continuing education (CE) and the 25 polygraph exams that were to have been completed within the last renewal period from August 1, 2000 to July 31, 2002.

The audit forms that had been received from licensees were distributed to the board members for review. Mr. Ormond inquired whether all of the American Polygraph Association (APA) classes would be automatically acceptable. Mr. Bartlett gave an overall view of the types of APA classes given and stated that any of them would meet the CE requirements, as listed in R156-64-304, Utah Code Annotated. Mr. Wall stated all of the

attendance records for the APA classes had been given to Mr. John Pickup, Secretary of the Utah Polygraph Association, to retain. Mr. Allen stated the Division

could obtain copies of the attendance roster from APA for any of the licensees. The person to contact for verification of the APA classes would be Ms. Robbie Bennett with the APA. Mr. Bartlett gave Mr. Ormond her address and phone number. Also, APA does issue a certificate for to each person for attending.

After a review of the audit forms, the Board expressed some concerns about the continuing education classes listed on the following forms:

1. Gary Greenwood – He needs to provide the dates, times and content of the training listed. Also, his audit form did not list any direct polygraph training.
2. Joe Romero - He needs to provide the verification of training for the October 16-20, 2000 post conviction testing.
3. David Raskin - He submitted documentation of classes he had taught but no documentation of classes he had taken. The statute does allow credit for some classes taught but the lectures he gave in China and Puerto Rico seem to be the only acceptable ones. Also, he did not submit documentation showing he had completed the required 25 polygraph exams. It was decided to send him a letter stating it would not be necessary for him to retain his licensure any longer if he is no longer giving polygraph exams. He can then appeal that if he chooses to do so.
4. Clark Tebbs - The Board questioned whether the hypnotism classes he taught are acceptable for the CE hours. Mr. Bartlett stated that hypnotism courses are not an accepted part of polygraph. However, it was determined that he had enough other hours to meet the requirement for the CE hours.

The Board determined the following persons had met the continuing education requirements: Steven Bartlett, Clark Tebbs, E. Leroy Allen, Sydney Elliott, Virgil Johnson, Frank Wall, John Pickup, Lon Brian, Michael Daras, R. Michael Spilker, David Bennion and Joseph Cottis.

It was noted that a deadline date was not on the audit form indicating when it must be returned to the

Division. Mr. Ormond stated the licensees would be

given 45 days from October 24, 2002 to return their audit forms. After that time, those licensees who had not submitted their audit form would be sent a reminder letter informing them their audit forms had not been received. Mr. Ormond then asked the Board for their opinion about what should be done with those licensees who do not comply with the audit. It was suggested that it would be better to rehabilitate them by bringing them into compliance with the CE requirement so they can become qualified to continue practicing rather than revoking their license.

Sex Offender Examinations

Mr. Bartlett stated there is a push in many of the states to implement a requirement for a post conviction exam for sex offenders. This type of exam is conducted differently than a regular polygraph examination. An examiner must take an additional 40 hours of specialized training to conduct this type of exam. APA does offer this specialized training. There are three parts to the rehabilitation of sex offenders, which are: acceptance of crimes, truthfulness with their therapist and rebuilding skills. Mr. Bartlett stated that most sex offenders are required to have this exit polygraph before they are released from probation.

Mr. Bartlett further stated he believes that Utah will have to address this issue within the next few years. Colorado, Texas, Oregon, and Washington have already amended their rules to require this additional training. Mr. Ormond asked Mr. Bartlett to fax him the information he has from those states so he can review how they have added that requirement to their law and rules. It would be preferable to add the requirement for the specialized training to the rules instead of the statute, as it is too late to get it on the agenda for the 2003 legislative session.

Voice Stress Analysis

Mr. Jackson inquired about this type of examination process. Mr. Bartlett stated it would not be used in court as it is not viable. There is no accreditation for the schools and the federal government stated there is no evidence that it is reliable. Mr. Jackson asked if it sometimes used as an intimidation factor that might cause some people to confess to any criminal activity. Mr. Barnett replied it is used for that reason sometimes.

Voice Stress Schools

Mr. Wall submitted information regarding accredited schools for voice stress analysis, as requested at the last meeting. Mr. Ormond stated revising the rules to specify

the requirements for this type of licensure has been put on hold for now. If a person wants to become licensed to administer voice stress analysis they must meet the same requirements as a deception detection examiner does for licensure.

Mike Ferre

Mr. Ferre inquired when his term as a board member would expire. Mr. Ormond replied he would be released on June 30, 2004. He stated he would be agreeable to being released early. Mr. Ormond asked him to send a letter requesting to be released.

Tribune Article

Mr. Ormond shared a newspaper article from the Tribune that stated the National Academy of Sciences declared that polygraph examinations are dangerously unreliable and the federal government should cease depending on them to screen for security risks.

NEXT MEETING:

September 17, 2003. This will be the next meeting unless we revise the rules and need a rules hearing.

DATE APPROVED

CHAIRPERSON, UTAH DECEPTION
DETECTION EXAMINER BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING